14 *June* 1825.

(Ireland.)

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B I L L

To provide for the repairing, maintaining and keeping in Repair, certain Roads and Bridges in *Ireland*.

WHEREAS certain Roads and Bridges in *Ireland*, have been made wholly or in part at the Public Expense, and it is expedient that Provision should be made for keeping the same in Repair at the expense of the several Counties in or through which the same shall have been made;

Preamble: For repairing Roads and Bridges made at the public expense.

BE it therefore Enacted by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, THAT from and after the passing of this Act, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, by writing under his or their hand or hands, to order direct and appoint that the Directors from time to time for the time being, of all works relating to Inland Navigation in *Ireland*, appointed for the execution of an Act made in the Parliament of *Ireland* in the Fortieth year of the reign of his late Majesty King *George* the Third, intituled, " An Act for granting " to His Majesty the sum of Five hundred thousand Pounds, for " promoting Inland Navigation in *Ireland*, and for the other purposes " therein mentioned, and for authorizing the raising of the said sum, by " Loan," or under any Act or Acts for amending the same, shall act as Commissioners for the execution of this present Act, and such Directors of Inland Navigation from time to time for the time being shall thereupon and from thenceforth be and become Commissioners for the execution of this Act.

Directors of Inland Navigation, under 40 Geo. 3, (I.) c. 51, may, on order of the Lord Lieutenant, act as Commissioners for the execution of this Act.

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Commissioners may appoint Inspectors and Superintendants, &c.

AND whereas it is expedient, that after the said Roads and Bridges have been completed, the maintenance and repair of the same should be placed under the direction of the Commissioners hereby appointed; BE it therefore Enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to appoint, with the approbation of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, one or more Inspector or Inspectors of such Roads and Bridges in *Ireland*, as have been or shall be wholly or in part made at the public expense, and such Superintendants and other officers as they shall see fit for the purposes of this Act, and to pay and allow each and every of such inspectors and officers such sum or sums of money annually or otherwise, as the said Commissioners shall think proper, in compensation for their services, or in remuneration of any expenses incurred by them or any of them, in the execution of this Act.

No Roads shall be repaired under this Act, unless one-half at least was made at the public expense, nor without the order of the Lord Lieutenant.

And be it further Enacted, That no Road or Bridge, nor any portion of any Road or Bridge shall be repaired or maintained and kept in repair, under the provisions of this Act, unless one half of the original cost of making such Road or Bridge, or portion thereof, shall have been or shall be defrayed at the public expense; and it shall not be lawful for the Commissioners for the execution of this Act, to take charge of any such Road or Bridge, or any portion thereof, until the same shall have been specially placed under the direction of the said Commissioners, by an order from the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, signified to such Commissioners by the Chief Secretary or Under Secretary of such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*.

On application of Commissioners, Lord Lieutenant may order advances out of the Consolidated Fund for repair of Roads and Bridges.

And be it further Enacted, That upon the application of the Commissioners for the execution of this Act, or any three of them, setting forth what sum will be requisite and necessary from time to time for the repair of any Road or Bridge, or any portion of any Road or Bridge, which shall have been made wholly or in part as aforesaid at the public expense, and stating the nature, situation and extent of such Road or Bridge, or portion thereof respectively, and of the repairs required to the same, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in case he or they shall think fit and proper so to do, to direct, by his or their warrant or warrants, that any sum or sums of money, not exceeding in the whole the sum of

in any one quarter of a year required by such Commissioners, or any part thereof, shall be advanced and paid to the said Commissioners out of the produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* arising in *Ireland*, to be applied under the directions

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directions of the said Commissioners in the repairing and maintaining of any such Roads or Bridges, or any portion thereof, and in and towards the execution of the purposes of this Act, under the direction of the said Commissioners and their officers.

Expense of repairing Roads shall be certified by Commissioners to Lord Lieutenant, and by his Chief Secretary to the Grand Jury of the County, who shall raise the same off the County by presentment.

5 And be it further Enacted, That whenever any such Road or Bridge, or any portion thereof, shall be put in good and sufficient repair under the directions of the Commissioners for the execution of this Act, the said Commissioners shall certify to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, the total amount of the 10 expense incurred by such repair, with all such particulars thereof as shall be required by such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*; and thereupon it shall be lawful for the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or in his absence, for the Under 15 Secretary, to certify to the Grand Jury of any and every county within which any such Road or Bridge, or any portion thereof, shall be situate respectively, the amount of money which shall have been expended upon the repair of such Road or Bridge, or portion thereof, within any and every such county respectively, out of the advances authorized by 20 this Act; and every such certificate shall at the next or some succeeding assizes be laid before the Grand Jury of any and every such county respectively; and thereupon it shall and may be lawful to and for the Grand Jury of any and every such county respectively, and any and every such Grand Jury are hereby authorized and required to make 25 presentment of the amount of such expenses, as stated in such certificate to be raised off such county at large; and when and as soon as the sum so to be presented as aforesaid shall be raised and received by the treasurer of any and every such county respectively, such treasurer shall pay over the same respectively to the collector of Excise for the 30 district in which such Road or Bridge, or portion thereof, shall be respectively situate.

Expense of Bridges between Counties shall be borne equally.

Provided always, and be it Enacted, That where any Bridge which shall be repaired or maintained under the provisions of this Act shall be situate partly in one county and partly in another, the expense of 35 the repairing and maintaining of such Bridge shall be borne and defrayed equally between the several counties; and the certificates and presentments required by this Act shall be made and raised accordingly.

Money advanced shall be accounted for, before Commissioners of Public Accounts.

And be it further Enacted, That the receipt, application and expen- 40 diture of all monies advanced and paid to the Commissioners for the execution of this Act, or to any person acting under the authority of the said Commissioners, shall be accounted for before the Commissioners for auditing the Public Accounts in *Ireland*.

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Commissioners to make rules and regulations.

And be it further Enacted, That it shall and may be lawful for the Commissioners for the execution of this Act, and they are hereby authorized and empowered from time to time to make all such rules and regulations, and to give all such orders and directions, as they may think proper for the more effectual execution of this Act, in the maintenance and repair of the Roads and Bridges hereby intended to be maintained and repaired: Provided always, that such rules and regulations, orders and directions, shall not be inconsistent with the laws in force in *Ireland*, or with the provisions of this Act, and shall be notified to the persons severally required to conform to such rules, regulations, orders and directions respectively.

Commissioners to report annually to Parliament.

And be it further Enacted, That on or before the day of in each and every year, a Report shall be made to both Houses of Parliament by the Commissioners for the execution of this Act, (or if Parliament shall not then be sitting, within days after Parliament shall next meet) of all the proceedings of such Commissioners pursuant to and in execution of this Act, with a general Abstract of their receipts and expenditure in carrying this Act into execution during the year ending on the day of preceding.

Commissioners may enter upon and survey Roads or Bridges, or adjacent grounds.

And be it further Enacted, That for the purposes of this Act, it shall and may be lawful for the Commissioners for the execution of this Act, or any of them, or any inspectors, surveyors, superintendants, overseers, workmen, officers or persons respectively acting under or employed by the said Commissioners, and they are hereby respectively authorized and empowered from time to time, to enter into and upon all and every or any such Roads or Bridges, and to survey the same, and to enter upon any lands or grounds adjoining to such Roads or Bridges which the said Commissioners, or any inspector, surveyor, superintendant, overseer or workmen employed under them shall find it expedient, that any Drain should be carried for the purposes of this Act; and that it shall and may be lawful for any inspector or surveyor to be appointed by the Commissioners for the execution of this Act, to empower any person or persons as such inspector or surveyor shall nominate by writing under his hand, to dig, gather, take and carry away any gravel, furze, heath, stones, sand or other materials out of the several grounds of any person or persons, whether the same be inclosed or uninclosed (not being the ground whereon any house or buildings stand, or a garden, orchard, yard, planted walk or walks or avenue to any house, or any piece or parcel of inclosed ground set apart and used as a nursery for trees), where such materials are or may be found, and from time to time to carry away the same, or so much thereof as the said inspector or surveyor shall judge necessary for repairing the Roads or Bridges to be repaired under the provisions of this Act; and in case the

Inspector and Surveyor of Roads may dig Gravel, &c. in private grounds.

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the said materials shall be taken from nr carried through any arable land, the said inspector, or the person appointed by him as aforesaid, shall give at least days notice in writing tn the owners or occupiers respectively of the said ground, where and from whence the same shall be digged, gatbered, carried away, nr over which the same shall be carried: Provided always, that the said Commissioners and their several inspectors, overseers, surveyors, agents, deputies, officers and workmen shall do as little damage as may be in the execution of the several powers to them hereby granted; and shall make satisfaction to the owners of and other persons interested in any such lands and grounds which shall be prejudiced, for all damages tn be by them sustained in or by the execution nf all or any nf the powers of this Act, in case the same shall be demanded, in the same manner and under such restrictions as the overseers of Inland Navigation or Public Roads in *Ireland* are authorized and directed by several Acts in force in *Ireland* to make compensation, and this Act shall be sufficient to indemnify the said Commissioners and their inspectors, overseers, surveyors, agents, deputies, officers and workmen, and all other persons whomsoever, for what they or any of them shall do in respect thereof by virtue of the powers nf this Act granted to them respectively.

Penalty on persons injuring or obstructing Roads.

And be it further Enacted, That in case any inspector, surveyor, or other officer nf the Commissinners for the execution of this Act, shall observe any nuisances or encroachments, obstruction of ditches, drains, gutters or watercourses, or any other annoyances whatsoever, made, committed or permitted in or upon or to the prejudice of any Roads or Bridges to be repaired nr maintained under the provisions of this Act, or shall observe any timber, stnne, lime, peat, dung, soil, compost or ashes deposited or remaining thereon, or if any person shall remove or carry away any earth, sand, gravel or stones, forming part of any such Roads, or shall turn or dam any water thereon; or if any proprietor or occupier shall neglect to cleanse or scour any ditches or watercourses affecting such Roads, such inspector, surveyor or officer shall give nr cause to be given to any person nr persons doing, committing or permitting the same, personal notice nr notices in writing, to be left at his her or their usual place or places of abode, specifying tbe particulars wherein such nuisances, encroachments, obstructions or annoyances consist, and if the same shall not be removed, and the ditches, drains, gutters and watercourses effectually cleansed and opened within days next after such notice shall have been given as aforesaid, it shall be lawful for such inspector, surveyor, officer, and the person employed by them, and he and they is and are hereby authorized and empowered forthwith to remove such nuisances, obstructinns and annoyances, and to npen cleanse and scour such ditches, drains, gutters and watercourses, and the persons neglecting to observe and obey the above-mentioned notice,

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notice, shall re-pay to such inspector, surveyor or other officer, such charges as shall be adjudged to be reasonable by any two Justices of the peace of the county, and shall also forfeit any sum not exceeding pounds; and in default of payment thereof, the same shall be levied and recovered, with expenses of process, in a summary way, before any two Justices of the peace of the county wherein the offence shall have been committed, and such sum shall be paid to such inspector, surveyor or other officer of the said Commissioners, to be applied to the purposes of this Act; and in every such case the order and adjudication of any such Jnstices of the peace shall be final and conclusive to all intents and purposes whatsoever.

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Ordered, by The House of Commons, *to be Printed,*
14 *June* 1825.

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